

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

DAVID FINNEY, an individual,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 3:06-CV-622 - WKW
	)	
NISSAN NORTH AMERICA, INC.,	)	
a foreign corporation; TAKATA U.S.A.	)	
CORPORATION d/b/a TAKATA	)	
CORPORATION, a foreign corporation;	)	
TAKATA SEAT BELTS INC., a foreign	)	
corporation; TAKATA RESTRAINT	)	
SYSTEMS INC., a foreign corporation;	)	
TAKATA NORTH AMERICAN INC., a	)	
foreign corporation; and TAKATA INC.	)	
a foreign corporation,	)	
	)	
Defendants.	)	
	)	

---

**REPORT OF PARTIES' PLANNING MEETING**

1. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the following attorneys have conferred regarding proposed deadlines in this case and submit the following joint report:

Kenneth Stephen Jackson, Joseph L. Tucker, Joel L. DiLorenzo and Walter B. Calton representing the Plaintiff

Chilton Davis Varner, Andrew T. Bayman, Robert B. Friedman and Robert C. Khayat, Jr. representing Defendant Nissan North America, Inc.

Charles A. Stewart III, representing Defendants Takata Seat Belts Inc., Takata Restraint Systems Inc., Takata North American Inc., Takata Inc. and Takata U.S.A. Corporation ("Takata Defendants")
2. **Pre-Discovery Disclosures.** The parties shall exchange the information required by Rule 26(a)(1) of the Federal Rules of Civil Procedure within 21 days of the entry of the Court's scheduling order.

3. **Discovery Plan.** The parties jointly propose the following discovery plan:

- (1) All discovery commenced in time to be completed by November 1, 2007.
- (2) Discovery under F.R.C.P. 33 governing Interrogatories to Parties shall be conducted in accordance with the Federal Rules of Civil Procedure.
- (3) Discovery under F.R.C.P. 34 governing Production of Documents and Things shall be conducted in accordance with the Federal Rules of Civil Procedure.
- (4) Discovery under F.R.C.P. 30 governing Depositions Upon Oral Examination shall be conducted in accordance with the Federal Rules of Civil Procedure.
- (5) Discovery under F.R.C.P. 31 governing Depositions Upon Written Questions shall be conducted in accordance with the Federal Rules of Civil Procedure.
- (6) Supplements under Rule 26(e) of the Federal Rules of Civil Procedure are due 30 days before the close of discovery.

4. **Other Items.**

- (1) The parties do not request a conference with the Court before entry of the scheduling order.
- (2) Reports from retained experts under Rule 26(a)(2) of the Federal Rules of Civil Procedure are due from the plaintiffs by August 15, 2007, and any such experts shall be made available for deposition by no later than September 14, 2007. Reports from retained experts from the defendants are due by October 2, 2007, and any such experts shall be made available for deposition by no later than November 1, 2007.
- (3) The parties request a pretrial conference on or about February 15, 2008.
- (4) All potentially dispositive motions should be filed by November 15, 2007.
- (5) Any motions to amend the pleadings or to join additional parties should be filed within 90 days of the entry of the Court's scheduling order.
- (6) Settlement and mediation cannot realistically be evaluated until the parties conduct further discovery.

- (7) Final list of trial witnesses and exhibits under 26(a)(3) of the Federal Rules of Civil Procedure must be served and filed:
  - a. By the Plaintiff: 30 days before trial; and
  - b. By the Defendants: 30 days before trial.
- (8) Objections are to be filed within 15 days after receipt of final list.
- (9) This case should be ready for trial by the March 10, 2008 trial.
- (10) Trial is expected to last 7-10 days.

The attorneys for the parties jointly prepared this Report of the Parties' Planning Meeting, and counsel for the Plaintiffs and Defendant Nissan North America, Inc. have reviewed this report and given permission to Takata Defendants' counsel to electronically file it with the Court on behalf of the parties.

Respectfully submitted this the 3<sup>rd</sup> day of October, 2006.

JACKSON & TUCKER, P.C.

/s/ K. Stephen Jackson  
K. Stephen Jackson  
Joseph L. Tucker  
Joel L. DiLorenzo  
Black Diamond Building  
22229 First Avenue North  
Birmingham, Alabama 35203

-and-

Walter B. Calton  
Calton & Rutland LLC  
PO Box 696  
Eufaula, AL 36027-0696

**ATTORNEYS FOR PLAINTIFF**

KING & SPALDING LLP

/s/ Chilton Davis Varner  
Chilton Davis Varner  
Andrew T. Bayman (*admitted pro hac vice*)  
Georgia Bar No. 043342  
Robert B. Friedman (*admitted pro hac vice*)  
Georgia Bar No. 277711  
Robert C. Khayat, Jr.  
Alabama Bar No. ASB-9156-T73R  
1180 Peachtree Street  
Atlanta, Georgia 30309  
(404) 572-4600

**ATTORNEYS FOR DEFENDANT  
NISSAN NORTH AMERICA, INC.**

BRADLEY ARANT ROSE & WHITE, LLP

/s/ Charles Andrew Stewart III  
Charles Andrew Stewart III  
Bradley Arant Rose & White LLP  
401 Adams Avenue, Suite 780  
Montgomery, AL 36104

**ATTORNEY FOR DEFENDANTS  
TAKATA SEAT BELTS INC., TAKATA  
RESTRAINT SYSTEMS INC., TAKATA  
NORTH AMERICAN INC., TAKATA  
INC., AND TAKATA U.S.A.  
CORPORATION**